



June 30, 1999

Ms. Paula A. Jones
Director of Legal Services
Employees Retirement System of Texas
P. O. Box 13207
Austin, Texas 78711-3207

OR99-1823

Dear Ms. Jones:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127130.

The Employees Retirement System of Texas ("ERS") received a request for certain information, most of which was provided. However, the requestor also seeks a document you indicate does not exist - a "written denial or acknowledgment of slander." We note that the ERS has an obligation to make a good faith effort to locate requested records. Open Records Decision No. 561 at 8 (1990). However, the ERS does not have to compile new information or to answer questions to respond to a public information request. *See Gov't Code § 552.002* (defining public information); *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.-- San Antonio, 1978, writ dismissed w.o.j.) (official could not be compelled to produce documents not in his possession). We agree that if the ERS has no information which exists that is responsive to the public information request, the ERS need not create such a document to comply with this request.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 127130